

EXHIBIT 5

Heilman, Leslie C.

From: Goldberger, Jacob <jacob.goldberger@davispolk.com>
Sent: Tuesday, November 19, 2024 12:06 PM
To: Heilman, Leslie C.; Roglen, Laurel D.; Branch, Dustin P.; Vesper, Margaret; Friedman, Michelle
Cc: Carpenter, Cameron; Stern, Ethan
Subject: RE: BL - Adequate Assurance

⚠ EXTERNAL

The December locations will not be assumed by Nexus and we will be considering going-concern objections relating to those stores as moot.

Jacob Goldberger

Davis Polk & Wardwell LLP
+1 212 450 3211 office
+1 952 334 2993 mobile
jacob.goldberger@davispolk.com

From: Heilman, Leslie C. <HeilmanL@ballardspahr.com>
Sent: Tuesday, November 19, 2024 12:02 PM
To: Goldberger, Jacob <jacob.goldberger@davispolk.com>; roglenl@ballardspahr.com; branchd@ballardspahr.com; Vesper, Margaret <VesperM@ballardspahr.com>; Friedman, Michelle <friedmanm@ballardspahr.com>
Cc: Carpenter, Cameron <cameron.carpenter@davispolk.com>; Stern, Ethan <ethan.stern@davispolk.com>
Subject: RE: BL - Adequate Assurance

Jacob,

Thank you. In the meantime, Jacob, please confirm that the stores listed on the December Lease Auction list have been removed from the Going Concern Sale List.

Best,
Leslie

Leslie C. Heilman
Ballard Spahr LLP
919 N. Market Street, 11th Floor
Wilmington, DE 19801-3034
Direct 302.252.4446
Fax 302.300.4065
Mobile 267.664.0633
heilmanl@ballardspahr.com
www.ballardspahr.com

From: Goldberger, Jacob <jacob.goldberger@davispolk.com>
Sent: Tuesday, November 19, 2024 11:47 AM
To: Roglen, Laurel D. <RoglenL@ballardspahr.com>; Heilman, Leslie C. <HeilmanL@ballardspahr.com>; Branch, Dustin P. <BranchD@ballardspahr.com>; Vesper, Margaret <VesperM@ballardspahr.com>; Friedman, Michelle

<friedmanm@ballardspahr.com>

Cc: Carpenter, Cameron <cameron.carpenter@davispolk.com>; Stern, Ethan <ethan.stern@davispolk.com>

Subject: RE: BL - Adequate Assurance

⚠ EXTERNAL

Thanks, please see attached.

Jacob Goldberger

Davis Polk & Wardwell LLP

+1 212 450 3211 office

+1 952 334 2993 mobile

jacob.goldberger@davispolk.com

From: Roglen, Laurel D. <RoglenL@ballardspahr.com>

Sent: Tuesday, November 19, 2024 11:19 AM

To: Goldberger, Jacob <jacob.goldberger@davispolk.com>; heilmanl@ballardspahr.com; branchd@ballardspahr.com;

Vesper, Margaret <VesperM@ballardspahr.com>; Friedman, Michelle <friedmanm@ballardspahr.com>

Cc: Carpenter, Cameron <cameron.carpenter@davispolk.com>; Stern, Ethan <ethan.stern@davispolk.com>

Subject: RE: BL - Adequate Assurance

Jacob:

Can you send me a word version of the order?

Thanks,
Laurel

Laurel D. Roglen

[REDACTED]

[REDACTED]

919 N. Market Street, 11th Floor
Wilmington, DE 19801-3034
302.252.4462 DIRECT
302.252.4466 FAX

914.525.5695 MOBILE | roglenl@ballardspahr.com
VCARD

[REDACTED]

www.ballardspahr.com

From: Goldberger, Jacob <jacob.goldberger@davispolk.com>

Sent: Tuesday, November 19, 2024 8:33 AM

To: Heilman, Leslie C. <HeilmanL@ballardspahr.com>; Roglen, Laurel D. <RoglenL@ballardspahr.com>; Branch, Dustin P. <BranchD@ballardspahr.com>; Vesper, Margaret <VesperM@ballardspahr.com>; Friedman, Michelle <friedmanm@ballardspahr.com>

Cc: Carpenter, Cameron <cameron.carpenter@davispolk.com>; Stern, Ethan <ethan.stern@davispolk.com>

Subject: BL - Adequate Assurance

Importance: High

 **EXTERNAL**

Hi Leslie, team,

With the hearing looming, just wanted to follow up on your adequate assurance objection. Nexus has supplemented their adequate assurance package and provided additional detail on the nature of the assignee and the post-close structure. Please let us know if, in connection with Nexus' previously shared information and representations, and the revised sale order that has been filed at D.I. 1153 (attached for reference), the adequate assurance portion of your objection is resolved.

I'd also note that many of the stores with outstanding cure requests are slated for December Wave lease sales and are moot for the Nexus sale. While there are still plenty remaining, the number has become slightly more manageable.

Best,

Jacob Goldberger

+1 212 450 3211 office
+1 952 334 2993 mobile
jacob.goldberger@davispolk.com

Davis Polk & Wardwell LLP

Confidentiality Note: This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Unauthorized use, dissemination, distribution or copying of this email or the information herein or taking any action in reliance on the contents of this email or the information herein, by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is strictly prohibited. If you have received this email in error, please notify the sender immediately and destroy the original message, any attachments thereto and all copies. Please refer to the firm's privacy notice for important information on how we process personal data. Our website is at davispolk.com.